



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

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January 29, 2019

Honorable Mark W. Lawrence, Senate Chair  
Honorable Seth A. Berry, House Chair  
Energy, Utilities and Technology Committee  
100 State House Station  
Augusta, Maine 04333

**Re: LD 68, An Act To Improve the Record Keeping of the Public Utilities  
Commission**

Dear Senator Lawrence and Representative Berry:

The Public Utilities Commission (PUC) testifies neither for nor against LD 68, An Act To Improve Record Keeping of the Public Utilities Commission. The bill proposes to make certain changes to current law regarding record keeping requirements of the Commission.

LD 68

Current law requires the Commission to keep a complete record of all proceedings, investigations, and formal public hearings.<sup>1</sup> Section 1 of LD 68 would also require the Commission to keep a complete record of complaints. In addition, the bill would require that the required records be permanently maintained and include results and conclusions, including orders, finding, decisions and settlement agreements. Section 2 of the bill would require the Commission, upon request of a utility customer, to reconstruct, to the extent possible, the record of a proceeding, investigation, formal public hearing or complaint that was disposed of prior to the requirement that a permanent record be maintained. The bill further provides that upon request of the Commission, any party to the proceeding, investigation, formal public hearing or complaint that possesses relevant records shall furnish those records to the Commission and that the Commission shall provide the requesting customer notice of and access to any record that is reconstructed.

Commission Observations

The Commission has a record retention policy pursuant to State law. All docketed proceedings of the Commission are already permanently maintained. Prior to 2012, the

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<sup>1</sup> 35-A MRS § 1318(1).

documents in docketed proceedings (e.g., testimony, transcripts, discovery, Commission decisions) were kept at the Commission for a required time period (e.g., 3 years) and then sent to archives where they were permanently maintained. These records go back to the time the Commission was created in 1913. After 2012, records were retained permanently in the Commission's online case management system (CMS).

With respect to customer complaints brought to the Commission's Consumer Assistance and Safety (CASD) Division, the Commission, pursuant to the State's record retention policy, is required to keep those records for one year and the records may then be destroyed. However, the Commission permanently retains customer complaint records in its CMS system and has customer complaint records going back 17 years.

Finally, Section 2 of the bill would require the Commission upon request of a utility customer, to reconstruct, to the extent possible, the record of proceedings or complaints that were disposed of prior to the requirement that a permanent record be maintained and that, upon request of the Commission, any party to such proceedings or complaints that possess relevant records shall furnish those records to the Commission. The Commission notes that it already has the authority under existing law to obtain utility records.

The Commission looks forward to working with the Committee on LD 68 and I would be happy to respond to any questions the Committee has at this time. The Commission will also be present at the work session should the Committee have any additional questions in its consideration of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Paulina McCarter Collins". The signature is fluid and cursive, with a large initial "P" and "C".

Paulina McCarter Collins, Esq.  
Legislative Liaison

cc: Energy, Utilities and Technology Committee Members  
Lucia Nixon, Legislative Analyst